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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,099	08/03/2001	Chih-Wen Huang	JCLA7249	8700
7590	11/16/2005		EXAMINER	
J.C. Patents, Inc. 4 Venture, Suite 250 Irvine, CA 92618			WORKU, NEGUSHIE	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/922,099	HUANG ET AL.	
	Examiner	Art Unit	
	Negussie Worku	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 August 2005.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 and 15 is/are rejected.

7) Claim(s) 2-14 and 16-22 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 03 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

1. Applicant's arguments, see Page 2 and 3, filed Aug 24, 2005, with respect to claims 1 and 15 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the office action indicated below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson (USP 6,657,749) in view of Spears et al. (US2002/0140996).

With respect to claim 1, Beeson discloses a compensation apparatus (fig 1 through 3) for image scan, (100 shown by fig 1) applied to an optical scanner that comprises a platform to locate an object to be scanned thereon, (CCDs 118 image scanner of fig 1, or reading a surface of original, is adhered to a platform 106 of fig 1), a photosensitive apparatus (201 of fig 2) with a set of scan photosensitive devices, (100 of fig 1); and a storage apparatus, (memory 120 of fig 1, is a memory for storing data

obtained by reading the document, sec col.4, lines 5-15) wherein a scanned image is obtained and temporarily stored in the storage apparatus after the object is scanned, the compensation apparatus (100 shown by fig 1), set of calibration photosensitive devices, (CCDs 318, 314 of fig 1) located at two sides of the set of scan photosensitive devices (117 of fig 3) to obtain a set of calibrated images; and an image processor, (124 of fig 3) to extract and compare the calibrated images for adjusting the scanned image, col.6, lines 48-55),

Although Beeson shows a calibration Pattern 300 fig 3, Beeson fail to teach a set calibration boards, having two calibration boards located at two sides of the platform.

Spears et al. in the same area of optical image scanner for compensation for illumination of non uniformity (as shown by fig 2 and 3) teaches a set of calibration boards (204 and 206 of fig 2 and 3), having two calibration boards located at two sides of the platform (platform 202 of fig 2 and 3, see col.3, paragraph 0025, lines 1-5).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image reading apparatus for performing a correction device of Beeson to include: a set calibration boards, having two calibration boards located at two sides of the platform.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image reading and correction device of Beeson by the teaching of Spears et al. for the reason that, the second calibration strip is used to compensate for variation in lamp intensity during a scan. It would have been allowed users to improve image quality resulting from (1) non-uniform photo sensor

sensitivity, (2) non-uniform illumination, (3) contamination in the optical path, such as dust on lens or other optical components, as discussed by Spears et al. in (col.2, Paragraph 0014, lines 1-6).

With respect to claim 15, Beeson discloses a compensation apparatus (fig 1 through 3) for image scan, (100 shown by fig 1) applied to an optical scanner that comprising a platform for depositing an object to be scanned thereon, (CCDs 118 image scanner of fig 1, or reading a surface of original, is adhered to a platform 106 of fig 1), a photosensitive apparatus (201 of fig 2) including a set of scan photosensitive devices, (CCDs 318, 314 of fig 1), and a storage apparatus, (memory 120 of fig 1, is a memory for storing data obtained by reading the document, sec col.4, lines 5-15) wherein when the object is detected by the set of scan photosensitive device, (CCDs 318, 314 of fig 1) a scanned image is obtained and temporarily stored in the storage apparatus, (memory 120 of fig 1), the compensation apparatus (100 of fig 1) comprising: a calibration board, at one side of the platform; scanned image is obtained and temporarily stored in the storage apparatus after the object is scanned, the compensation apparatus (100 shown by fig 1), set of calibration photosensitive devices, (CCDs 318, 314 of fig 1) located at two sides of the set of scan photosensitive devices (117 of fig 3) to obtain a set of calibrated images; and an image processor, (124 of fig 3) to extract and compare the calibrated images for adjusting the scanned image, col.6, lines 48-55).

Although Beeson shows a calibration Pattern 300 fig 3, Beeson fail to teach a calibration boards, having one-calibration boards located at one sides of the platform.

Spears et al. in the same area of optical image scanner for compensation for illumination of non uniformity (as shown by fig 2 and 3) teaches a set of calibration boards (206 of fig 2 and 3), having two calibration boards located at two sides of the platform (platform 202 of fig 2 and 3, see col.3, paragraph 0025, lines 1-5).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image reading apparatus for performing image correction device of Beeson to include: a calibration boards, having one calibration boards located at one sides of the platform.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image reading and correction device of Beeson by the teaching of Spears et al. for the reason that, the calibration strip is used to compensate for variation in lamp intensity during a scan. It would have been allowed users to improve image quality resulting from (1) non-uniform photo sensor sensitivity, (2) non-uniform illumination, (3) contamination in the optical path, such as dust on lens or other optical components, as discussed by Spears et al. in (col.2, Paragraph 0014, lines 1-6).

***Objected to claims having Allowable Subject Matter***

4. Claims 2-14 and 16-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claims 2 and 16 the prior art does not teach or disclose the compensation apparatus, wherein the set of calibration photosensitive devices is formed

of a plurality of calibration photosensitive devices arranged in a  $L \times K$  array at two sides of the set of scan photosensitive devices, and  $L$  and  $K$  are integers larger than 1.

With respect to claims 3 and 17 the prior art does not teach or disclose the compensation apparatus, wherein the set of scan photosensitive devices is formed of a plurality of scan photosensitive devices, and the calibration photosensitive devices have a dimension smaller than that of the scan photosensitive devices.

With respect to claims 4 and 18 the prior art does not teach or disclose the compensation apparatus, wherein the calibration boards have a strip shape and a width increasing linearly along a scanning direction.

With respect to claims 5 and 9 the prior art does not teach or disclose the compensation apparatus, wherein the strip-like calibration boards have trapezium planes.

With respect to claims 6 and 10 the prior art does not teach or disclose the compensation apparatus, wherein the strip-like calibration boards have triangle planes.

With respect to claims 7 and 11 the prior art does not teach or disclose the compensation apparatus, wherein the strip-like calibration boards have curved perimeters.

With respect to claims 8 and 19 the prior art does not teach or disclose the compensation apparatus, wherein the strip-like calibration boards have widths decreasing linearly along a scanning direction.

With respect to claims 12 and 20 the prior art does not teach or disclose the compensation apparatus, wherein the image processor extracts and compares the calibrated images to calculate an optical path deviation, and magnitude and direction of the optical path deviation are calculated according to pattern proportion and position variations of the calibrated images of the calibration boards detected by the set of calibration photosensitive devices.

With respect to claims 13 and 21 the prior art does not teach or disclose the compensation apparatus, wherein the method to calculate the optical path deviation includes: calculating the optical path deviation in x-axis according to position alteration of the calibrated images detected by the set of calibration photosensitive devices; calculating the optical path deviation in y-axis according to position alteration of the calibrated images detected by the set of calibration photosensitive devices; and calculating the optical path deviation in z-axis according to position alteration of the calibrated images detected by the set of calibration photosensitive devices.

With respect to claims 14 and 22 the prior art does not teach or disclose the compensation apparatus, wherein the method to calculate the optical path deviation

further includes: calculating the optical path deviation twisting around y-axis according to the optical path deviation in z-axis; and calculating the optical path deviation twisting around z-axis according to the optical path deviation in y-axis.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 305-5441. The examiner can normally be reached on 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Negussie Worku  
11/5/05



KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER